IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF JUNE

TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 26453 of 2003

Between:
Medlacheguru Narasimha Murthy
Indira Priyadarshini Continuous Education Centre, Nekunampet Village, Kondapuram Mandal, Nellore District.

..... PETITIONER

AND

1 Govt. of A.P., Rep. by its Secretary Education Dept. Secretariat, Buildings, Hyderabad.
2 Director of School Education, A.P. Saifabad, Hyderabad.
3 District. Educational Oflficer, Nellore Dt. at Nellore.
4 Mandal Educational Oflficer, Kondapuram Mandal, Kondapuram, Nellore Dt.
5 Mandal Literacy organiser, Kondapuram Mandal Kondapuram, Nellore Dt.
6 Mandal Development Officer, Kondapuram Mandal Kondapuram, Nellore Dt.
7 The Chairman/Dist. Collector, Zilla Sakshirathe Samithi, Nellore District at Nellore.
8 The Dy. Director of Adult Education, Kasturiba Kalakshetram, Nellore, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court

will be pleased to issue a writ or direction more particularly one in the nature of certiorari declaring the illegal action of the respondents herein not releasing the corpus fund and to also call for the records on the file of A.P.A.T in O.A 8358/02 in C.A.No. 1057/02 to the C.E.C prerak and direct the respondents to release the same.

Counsel for the Petitioner:MR.M.V.NARASIMHAM

For the Respondents: GP FOR SERVICES I

The Court made the following:

ORAL ORDER: (per GB. J.)

The Writ Petition is filed challenging the order passed by the A.P. Administrative Tribunal (for short Tribunal) in O.A.No.8358 of 2002, dated 13.10.2003.

2. The petitioner sought for a direction from the respondents to pay the Corpus Fund of Rs.52,000/- which was due to the petitioner from 1997 till date and Rs.19,060/- towards salary, rent and news paper bill, which was due to the petitioner from 1997 onwards. The Tribunal dismissed the above OA on the ground that the petitioner was engaged by CEC and CEC is not a party in the above OA. Against the said dismissal order, the present Writ Petition has been filed.

3. This Court has taken an objection as to how the OA itself is maintainable before the Tribunal, as the petitioner is not holding civil post. Admittedly even according to the petitioner he was alleged to have been appointed as Prerak, Indira Priyadarshini Continuous Education Centre, Nekunampet village, Kondapuram Mandal, Nellore District. Since the above post does not fall within the category of civil post, the OA itself is not maintainable. Thus, we do not find any merit in the Writ Petition.

4. Accordingly the Writ Petition is dismissed. However, it does

not preclude the petitioner from approaching the authorities for payment of the amounts in accordance with the Rules. No costs.

(G.BIKSHAPATHY, J.)

25th June, 2004.

(B.SESHASAYANA REDDY, J.)

SSR

Note: Issue copy by Monday.

(BO)

Copies to:

1. The Hon'ble Sri Justice G.Bikshapathy (for His Lordship's kind perusal).
2. The Hon'ble Sri Justice B.Seshasayana Reddy (for His Lordship's kind perusal).

3 Govt. of A.P., Rep. by its Secretary Education Dept. Secretariat, Buildings, Hyderabad.

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9 The Chairman/Dist. Collector, Zilla Sakshirathe Samithi, Nellore District at Nellore.

10. The Dy. Director of Adult Education, Kasturiba Kalakshetram, Nellore, Nellore District.

11. 2 CCs to Government Pleader for Services-I, High Court Buildings, Hyderabad. (O.U.T.)

12. 2 CD Copies.